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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,811	12/04/2000	Brant Candelore	80398.P311	9260

8791 7590 05/24/2004

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EXAMINER

CHUNG, JASON J

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,811

Applicant(s)

CANDELORE ET AL.

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

The rejection under section 101 has been withdrawn in light of the applicant arguing and thereby stating on the record that the claimed invention is in the television (technological) art.

Response to Arguments

Applicant's arguments filed 4/12/04 have been fully considered but they are not persuasive. The applicant argues on page 10 of the response that neither Wugofski, Wehmeyer, nor Lawler discloses detecting a tuning event and maintaining a list of relative statistics. The examiner respectfully disagrees with this assertion.

As previously disclosed, Wugofski discloses the system disclosed uses an integrated personal computer and television system (page 2, paragraph [0021]). Wugofski discloses the favorites lists are organized with the user's actual usage of the system (page 4, paragraph [0045]). Wugofski discloses the contents of a favorites list are based on the user's actual usage of a computer system and the most frequently used channels are stored in a favorite channel list for a user (page 1, paragraphs [0010-0011]), which meets the limitation on detecting a tuning event and maintaining relative statistics on one or more items related to the tuning event.

Wugofski discloses a usage based favorites lists (page 4, paragraphs [0044-0045]). Wugofski discloses the user does not have to create and update the favorites lists manually because the lists are created and updated automatically by the system (page 1, paragraph [0011]), which meets the limitation on creating automatically a list of favorites based on the maintained relative statistics.

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The applicant argues on the bottom of page 10 of the response that Wugofski merely discloses storing the most frequently used channel in a favorite channel list or based on the actual usage of the user. The storage of the most frequently used channel also known as most frequently tuned to channel meets the limitation on the detecting a tuning event. The frequency of tuning meets the limitation on maintained relative statistics.

Lawler discloses the system identifies characteristics of the programming the viewer selects or receives and the viewer preferences database represents a viewing history (column 5, line 52-column 6, line 21); the viewing history meets the limitation on detecting a tuning event. Lawler discloses the viewer has preferences for programming and the characteristics of the programming include names of directors, actors, and genre (column 2, lines 10-19).

Lawler discloses the viewer is provided an IT system with a programming guide that is automatically personalized based on the viewing history of the viewer (column 2, lines 31-37), which meets the limitation on maintaining relative statistics on one or more items related to the tuning event and creating automatically a list of favorites based on the maintained relative statistics.

The applicant argues on the bottom of page 10 of the response that Lawler merely discloses keeping track of the user's viewing habits or history to determine future program preferences. The **viewing** habits or history also known as tuning habits or history meets the limitation on detecting a tuning event and the habits or history meets the limitation on maintaining relative statistics.

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Wehmeyer discloses the program guide is created to predict programs, which may be of interest to the user (column 1, lines 40-53). Wehmeyer discloses the routine for automatic generation is shown in figure 5 and the list is displayed to the user (column 4, line 63-column 5, line 6). Wehmeyer discloses the predictive agent list is generated based on the user's viewing history (column 2, lines 33-56), which meets the limitation on detecting a tuning event, maintaining relative statistics on one or more items related to the tuning event and creating automatically a list of favorites based on the maintained relative statistics.

The applicant argues on the bottom of page 10 of the response that Wehmeyer merely discloses keeping track of the user's viewing habits or history to determine future program preferences. The **viewing** habits or history also known as tuning habits or history meets the limitation on detecting a tuning event and the habits or history meets the limitation on maintaining relative statistics.

The applicant argues on page 11-12 of the response that the examiner has not provided a prima facie case of obviousness. The examiner respectfully disagrees with this assertion. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The applicant argues on page 11-12 of the response that the examiner is challenged on the Official Notice statements. The examiner has provided a reference for the previous Official Notice statements stated in the rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 6, 9, 10, 11, 15, 18, 19, 20, 24, 27, 28, 29, 33, 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Wugofski (US 2003/0056216 A1).

Regarding claim 1, Wugofski discloses the system disclosed uses a integrated personal computer and television system (page 2, paragraph [0021]). Wugofski discloses the favorites lists are organized with the user's actual usage of the system (page 4, paragraph [0045]). Wugofski discloses the contents of a favorites list are based on the user's actual usage of a computer system and the most frequently used channels are stored in a favorite channel list for a user (page 1, paragraphs [0010-0011]), which meets the limitation on detecting a tuning event and maintaining relative statistics on one or more items related to the tuning event.

Wugofski discloses a usage based favorites lists (page 4, paragraphs [0044-0045]). Wugofski discloses the user does not have to create and update the favorites lists manually because the lists are created and updated automatically by the system (page 1, paragraph [0011]),

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which meets the limitation on creating automatically a list of favorites based on the maintained relative statistics.

Regarding claim 2, Wugofski discloses the system uses a usage based favorites list and the system monitors actual usage of the system generating a list of the channels most watched (page 4, paragraph [0044]), which meets the limitation on detecting a selected channel or program.

Regarding claim 6, Wugofski discloses a usage based favorites lists that is automatically created and updated based on usage (page 4, paragraphs [0044-0045]). Wugofski discloses the user does not have to create and update the favorites lists manually because the lists are created and updated automatically by the system (page 1, paragraph [0011]); the automatically updating of the list meets the limitation on the list of favorites is modified using a changing time scale as the list matures.

Regarding claim 9, Wugofski discloses the system uses a usage based favorite list that has channel most watched (page 4, paragraph [0044]) and in addition, the user can have favorites organized by themes (page 4, paragraph [0045]), which meets the limitation on one or more items include a channel item or a theme item.

Regarding claims 10, 11, 15, and 18 the limitations in claims 10, 11, 15, and 18 have been met in claims 1, 2, 6 and 9 rejections.

Regarding claims 19, 20, 24, and 27 the limitations in claims 19, 20, 24, and 27 have been met in claims 1, 2, 6, and 9 rejections.

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Regarding claims 28, 29, 33, and 36 the limitations in claims 28, 29, 33, and 36 have been met in claims 1, 2, 6, and 9 rejections. Wugofski discloses a monitor 112 (page 2, paragraph [0022]; figure 1), which meets the limitation on display.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7, 10, 16, 19, 25, 28, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler (US Patent # 5,758,259).

Regarding claim 1, Lawler discloses the system identifies characteristics of the programming the viewer selects or receives and the viewer preferences database represents a viewing history (column 5, line 52-column 6, line 21); the viewing history meets the limitation on detecting a tuning event.

Lawler discloses the viewer has preferences for programming and the characteristics of the programming include names of directors, actors, and genre (column 2, lines 10-19). Lawler discloses the viewer is provided an IT system with a programming guide that is automatically personalized based on the viewing history of the viewer (column 2, lines 31-37), which meets the limitation on maintaining relative statistics on one or more items related to the tuning event and creating automatically a list of favorites based on the maintained relative statistics.

Regarding claim 7, Lawler discloses the counts for each criterion has a maximum number and the least recent value is dropped with the addition of the new value (column 7, lines 5-44), which meets the limitation on preventing rollover of a count value.

Regarding claims 10, 16, the limitations in claims 10, 16 have been met in claim 1, 7 rejections.

Regarding claims 19, 25, the limitations in claims 19, 25 have been met in claim 1, 7 rejections.

Regarding claims 28, 34, the limitations in claims 28, 34 have been met in claim 1, 7 rejections. Lawler discloses a display (column 5, lines 20-30).

3. Claims 1, 10, 19, 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Wehmeyer (US Patent # 5,867,226).

Regarding claim 1, Wehmeyer discloses the program guide is created to predict programs which may be of interest to the user (column 1, lines 40-53). Wehmeyer discloses the routine for automatic generation is shown in figure 5 and the list is displayed to the user (column 4, line 63-column 5, line 6). Wehmeyer discloses the predictive agent list is generated based on the user's viewing history (column 2, lines 33-56), which meets the limitation on detecting a tuning event, maintaining relative statistics on one or more items related to the tuning event and creating automatically a list of favorites based on the maintained relative statistics.

Regarding claim 10, the limitations in claim 10 have been met in claim 1 rejection.

Regarding claim 19, the limitations in claim 19 have been met in claim 1 rejection.

Regarding claim 28, the limitations in claim 28 have been met in claim 1 rejection.

Wehmeyer discloses a display (column 2, lines 10-32; figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 12, 21, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of Perlman (US Patent # 5,583,576).

Regarding claim 3, as disclosed in claim 1 rejection, Wugofski discloses the list of favorites.

Wugofski fails to disclose consecutive weekly programs. Perlman discloses the EPG data includes weekly series (column 4, lines 31-44). Perlman discloses the television schedule information may represent more than one week (column 10, lines 21-26). Perlman discloses the EPG may be a weekly program schedule (column 9, line 65-column 10, line 12), which meets the limitation on a schedule listing consecutive weekly programs separated by time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wugofski to have the EPG display consecutive weekly programs as taught by Perlman so the user can see if the weekly programs scheduled in the future are shown at the same normal broadcast time the following week.

Regarding claims 12, 21, 30, the limitations in claims 12, 21, and 30 have been met in claim 3 rejections.

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5. Claims 3, 12, 21, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Perlman (US Patent # 5,583,576).

Regarding claim 3, as disclosed in claim 1 rejection, Lawler discloses the list of favorites.

Lawler fails to disclose consecutive weekly programs. Perlman discloses the EPG data includes weekly series (column 4, lines 31-44). Perlman discloses the television schedule information may represent more than one week (column 10, lines 21-26). Perlman discloses the EPG may be a weekly program schedule (column 9, line 65-column 10, line 12), which meets the limitation on a schedule listing consecutive weekly programs separated by time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler to have the EPG display consecutive weekly programs as taught by Perlman so the user can see if the weekly programs scheduled in the future are shown at the same normal broadcast time the following week.

Regarding claims 12, 21, 30, the limitations in claims 12, 21, and 30 have been met in claim 3 rejections.

6. Claims 3, 12, 21, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer in view of Perlman (US Patent # 5,583,576).

Regarding claim 3, as disclosed in claim 1 rejection, Wehmeyer discloses the list of favorites.

Wehmeyer fails to disclose consecutive weekly programs. Perlman discloses the EPG data includes weekly series (column 4, lines 31-44). Perlman discloses the television schedule information may represent more than one week (column 10, lines 21-26). Perlman discloses the EPG may be a weekly program schedule (column 9, line 65-column 10, line 12), which meets

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the limitation on a schedule listing consecutive weekly programs separated by time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wehmeyer to have the EPG display consecutive weekly programs as taught by Perlman so the user can see if the weekly programs scheduled in the future are shown at the same normal broadcast time the following week.

Regarding claims 12, 21, 30, the limitations in claims 12, 21, and 30 have been met in claim 3 rejections.

7. Claims 4, 13, 22, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer in view of Levitan (US Patent # 5,534,911).

Regarding claim 4, as disclosed in claim 1 rejection, Wehmeyer disclose the list of favorites.

Wehmeyer fails to disclose auto tuning without user interaction. Levitan discloses when a program is scheduled for transmission, the customer profile makes a choice before the program is transmitted by using a customer profile (column 2, lines 57-67). Levitan discloses an automatic personal channel (column 3, lines 36-59). Levitan discloses the personal channel has the best programs selected from a plurality of channel and recorded programs (column 3, line 60-column 4, line 3). Levitan discloses the automatic personal channel switches the channel selector at the proper time to the program (column 1, lines 45-54). Levitan discloses the automatic personal channel is always presenting the best available program (column 1, line 64-column 2, line 20), which meets the limitation on autotuning without user interaction. Levitan discloses it would be advantageous to pass the time and stress of choice to the computer (column 1, lines 30-41). It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify Wehmeyer to have an automatic tuner without user interaction as taught by Levitan in order to provide the time and stress of choice of available programs to the computer.

Regarding claims 13, 22, 31, the limitations in claims 13, 22, 31 have been met in claim 4 rejections.

8. Claims 4, 13, 22, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of Levitan (US Patent # 5,534,911).

Regarding claim 4, as disclosed in claim 1 rejection, Wugofski disclose the list of favorites.

Wugofski fails to disclose auto tuning without user interaction. Levitan discloses when a program is scheduled for transmission, the customer profile makes a choice before the program is transmitted by using a customer profile (column 2, lines 57-67). Levitan discloses an automatic personal channel (column 3, lines 36-59). Levitan discloses the personal channel has the best programs selected from a plurality of channel and recorded programs (column 3, line 60-column 4, line 3). Levitan discloses the automatic personal channel switches the channel selector at the proper time to the program (column 1, lines 45-54). Levitan discloses the automatic personal channel is always presenting the best available program (column 1, line 64-column 2, line 20), which meets the limitation on autotuning without user interaction. Levitan discloses it would be advantageous to pass the time and stress of choice to the computer (column 1, lines 30-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wugofski to have an automatic tuner without user interaction as

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taught by Levitan in order to provide the time and stress of choice of available programs to the computer.

Regarding claims 13, 22, 31, the limitations in claims 13, 22, 31 have been met in claim 4 rejections.

9. Claims 4, 13, 22, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Levitan (US Patent # 5,534,911).

Regarding claim 4, as disclosed in claim 1 rejection, Lawler disclose the list of favorites.

Lawler fails to disclose auto tuning without user interaction. Levitan discloses when a program is scheduled for transmission, the customer profile makes a choice before the program is transmitted by using a customer profile (column 2, lines 57-67). Levitan discloses an automatic personal channel (column 3, lines 36-59). Levitan discloses the personal channel has the best programs selected from a plurality of channel and recorded programs (column 3, line 60-column 4, line 3). Levitan discloses the automatic personal channel switches the channel selector at the proper time to the program (column 1, lines 45-54). Levitan discloses the automatic personal channel is always presenting the best available program (column 1, line 64-column 2, line 20), which meets the limitation on autotuning without user interaction. Levitan discloses it would be advantageous to pass the time and stress of choice to the computer (column 1, lines 30-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler to have an automatic tuner without user interaction as taught by Levitan in order to provide the time and stress of choice of available programs to the computer.

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Regarding claims 13, 22, 31, the limitations in claims 13, 22, 31 have been met in claim 4 rejections.

10. Claims 5, 14, 23, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Towell (US Patent # 6,647,411).

Regarding claim 5, Lawler discloses the system uses a server (column 10, lines 30-59).

Lawler fails to disclose the user being able to access their list from any of the client systems. Towell discloses a caching device 110 may be connected to the authentication device 120 and the authentication device provides control to content provider by providing the user ID and password to the content provider 105 and if the user ID and password are valid, the content provider downloads information to the caching device (column 6, lines 34-45), which meets the limitation on accessing information from more than one device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler to have allow a user to use a user ID and password on any client system as taught by Towell in order to access information from the server in order to provide more convenience and mobility to the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler to allow a user to use a user ID and password on any client system as taught by Towell in order to have privacy on the network thereby providing security for each user.

Regarding claims 14, 23, 32, the limitations in claims 14, 23, 32 have been met in claim 5 rejections.

11. Claims 5, 14, 23, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of Towell (US Patent # 6,647,411).

Regarding claim 5, Wugofski discloses the computer can be coupled to a local are network (LAN) (page 2, paragraph [0024]).

Wugofski fails to disclose accessing from any device. Towell discloses a caching device 110 may be connected to the authentication device 120 and the authentication device provides control to content provider by providing the user ID and password to the content provider 105 and if the user ID and password are valid, the content provider downloads information to the caching device (column 6, lines 34-45), which meets the limitation on accessing information from more than one device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler to have allow a user to use a user ID and password on any client system as taught by Towell in order to access information from the server in order to provide more convenience and mobility to the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wugofski in order to allow a user to use a user ID and password on any client system as taught by Towell in order to have privacy on the network thereby providing security for each user.

Regarding claims 14, 23, 32, the limitations in claims 14, 23, 32 have been met in claim 5 rejections.

12. Claims 8, 17, 26, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of Zahavi (US Patent # 5,410,367).

Regarding claim 8, as disclosed in claim 1 rejection, Wugofski discloses a list of favorites.

Wugofski fails to disclose providing an alert if a program is about to be shown. Zahavi discloses the television program scheduler provides an indication if a television program is about

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to start (column 1, lines 35-50). Zahavi discloses there is a problem with the user missing the beginning of a program or an entire program (column 1, lines 27-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wugofski to have an alert if a program is about to start as taught by Zahavi so the user does not miss the beginning of or even an entire television program they had the intention of watching.

Regarding claims 17, 26, 35, the limitations in claims 17, 26, 35 have been met in claim 8 rejections.

13. Claims 8, 17, 26, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer in view of Zahavi (US Patent # 5,410,367).

Regarding claim 8, as disclosed in claim 1 rejection, Wehmeyer discloses a list of favorites.

Wehmeyer fails to disclose providing an alert if a program is about to be shown. Zahavi discloses the television program scheduler provides an indication if a television program is about to start (column 1, lines 35-50). Zahavi discloses there is a problem with the user missing the beginning of a program or an entire program (column 1, lines 27-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wehmeyer to have an alert if a program is about to start as taught by Zahavi so the user does not miss the beginning of or even an entire television program they had the intention of watching.

Regarding claims 17, 26, 35, the limitations in claims 17, 26, 35 have been met in claim 8 rejections.

14. Claims 8, 17, 26, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Zahavi (US Patent # 5,410,367).

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Regarding claim 8, as disclosed in claim 1 rejection, Lawler discloses a list of favorites.

Lawler fails to disclose providing an alert if a program is about to be shown. Zahavi discloses the television program scheduler provides an indication if a television program is about to start (column 1, lines 35-50). Zahavi discloses there is a problem with the user missing the beginning of a program or an entire program (column 1, lines 27-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler to have an alert if a program is about to start as taught by Zahavi so the user does not miss the beginning of or even an entire television program they had the intention of watching.

Regarding claims 17, 26, 35, the limitations in claims 17, 26, 35 have been met in claim 8 rejections.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC



**VIVEK SRIVASTAVA
PRIMARY EXAMINER**